

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JASON HARTMAN,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

No. 2:20-cv-01492-DC-SCR

ORDER GRANTING DEFENDANT
COUNTY OF BUTTE'S MOTION FOR A
DETERMINATION OF GOOD FAITH
SETTLEMENT

(Doc. No. 86)

This matter is before the court on the motion for a determination of good faith settlement filed by Defendant County of Butte ("County") on February 27, 2025. (Doc. No. 86.) Specifically, at a private mediation with the Honorable Kendall J. Newman, Ret., on January 29, 2025, Plaintiff agreed to settle all claims against the remaining defendants, Defendant United States and Defendant County, in this personal injury tort action.¹ (*Id.* at 2.) Defendant County agreed to pay Plaintiff \$500,000.00, and Defendant United States tentatively agreed to pay Plaintiff \$3,590,000. (*Id.*) Because federal agency approval of the settlement as to Defendant United States is anticipated to take between four to six months, Defendant requests in the pending motion that the court determine that its settlement with Plaintiff is made in good faith. (*Id.*) On

¹ On October 31, 2024, the court issued an order determining that the settlement agreement between Plaintiff and Defendant Clint Moffitt, in which Defendant Moffitt agreed to pay Plaintiff \$100,000.00, was made in good faith. (Doc. No. 81.)

1 March 13, 2025, Defendant United States filed a statement of non-opposition to Defendant
2 County's pending motion. (Doc. No. 88.)

3 Pursuant to the terms of their settlement, Plaintiff agrees to release any and all claims
4 brought against Defendant County and to dismiss all claims brought against Defendant County in
5 this action. (Doc. No. 86-1 at 4.) In consideration, Defendant County agrees to pay Plaintiff
6 \$500,000.00. (*Id.*) According to Defendant County, this "settlement represents an agreement that
7 was reached through extensive arms-length mediation negotiations among the mediator, the
8 parties, and their respective counsel." (*Id.*) Defendant County therefore seeks a court order
9 determining that its settlement with Plaintiff was entered into in good faith in accordance with
10 section 877.6 of the California Code of Civil Procedure and that all claims brought against it in
11 this action be dismissed. (*Id.* at 9.)

12 Sections 877 and 877.6 of the California Code of Civil Procedure² provide that in a case
13 with two or more joint tortfeasors, a tortfeasor may enter into a good faith settlement to discharge
14 their liability in that case and bar future claims. *See Zahnleuter v. Lenhart*, No. 2:20-cv-02492-
15 KJM-KJN, 2023 WL 2899255, at *1 (E.D. Cal. Mar. 6, 2023) ("Under California Code of Civil
16 Procedure sections 877 and 877.6, a court may discharge a settling party from future liability in a
17 case "in which it is alleged that two or more parties are joint tortfeasors.") (citing Cal. Civ. Proc.
18 Code § 877.6(a)(1)). Specifically, "[a] determination by the court that the settlement was made in
19 good faith shall bar any other joint tortfeasor or co-obligor from any further claims against the
20 settling tortfeasor or co-obligor for equitable comparative contribution, or partial or comparative
21 indemnity, based on comparative negligence or comparative fault." Cal. Civ. Proc. Code
22 § 877.6(c).

23 For the purposes of this statute, a settlement is made in good faith if it is within a

24
25 ² The operative first amended complaint alleges that the court has supplemental jurisdiction over
26 Plaintiff's sole claim brought against Defendant County for liability based on a dangerous
27 condition of public property under Government Code § 835. (Doc. No. 48 at ¶¶ 2, 28–42.) "When
28 a district court sits in diversity, or hears state law claims based on supplemental jurisdiction, the
court applies state substantive law to the state law claims." *Mason & Dixon Intermodal, Inc. v.*
Lapmaster Int'l LLC, 632 F.3d 1056, 1060 (9th Cir. 2011). In the Ninth Circuit, "California Code
of Civil Procedure section 877 constitutes substantive law." (*Id.*)

1 “reasonable range” of the settling tortfeasor’s proportionate share of liability to the plaintiff.
 2 *Tech-Bilt, Inc. v. Woodward-Clyde & Assocs.*, 38 Cal. 3d 488, 499 (1985). In *Tech-Bilt*, the
 3 California Supreme Court adopted the “reasonable range” test and outlined several factors that
 4 courts must consider when an application for a determination of a good faith settlement is
 5 contested. *Id.* at 492–502. However, when an application for a good faith settlement
 6 determination is not opposed, both California and federal district courts “have found
 7 consideration of [the *Tech-Bilt*] factors unnecessary.” *Spitzer v. Aljoe*, No. 13-cv-05442-MEJ,
 8 2015 WL 6828133, at *4 (N.D. Cal. Nov. 6, 2015) (collecting cases); *see also City of Grand*
 9 *Terrace v. Superior Ct.*, 192 Cal. App. 3d 1251, 1261 (1987).

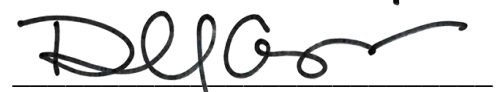
10 As noted above, the only other remaining defendant in this case, Defendant United States,
 11 has notified the court that it does not oppose Defendant County’s motion for a determination that
 12 its settlement with Plaintiff was made in good faith. Indeed, counsel for Defendant United States
 13 participated in the same private mediation and likewise settled with Plaintiff that same day. Thus,
 14 the court need not consider the *Tech-Bilt* factors. The court has nonetheless reviewed Defendant
 15 County’s supporting memorandum as well as the declaration of his attorney Matthew W. Gross,
 16 and finds that Defendant County’s settlement with Plaintiff was made in good faith. Therefore,
 17 the court will grant Defendant County’s pending motion.

18 Accordingly:

- 19 1. Defendant County of Butte’s motion for a determination of a good faith settlement
 20 (Doc. No. 86) is GRANTED; and
- 21 2. The parties shall file dispositional documents as to Plaintiff’s claims against
 22 Defendant County of Butte by no later than fourteen (14) days from the date of
 23 entry of this order.

24 IT IS SO ORDERED.

25 Dated: April 10, 2025

26 
 27 Dena Coggins
 28 United States District Judge